

City of LaVerkin

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LaVerkin City Council Meeting Minutes

Wednesday, August 21, 2013 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Karl Wilson; Council-Members: Randy Reeve, Richard Hirschi, Phil Jensen, Brandon Stephenson, and Ray Justice; Staff: Derek Imlay, Troylinn Benson, Kevin Bennett, Chief Lloyd Watkins, and Christy Ballard; Public: Blair Gubler, John and Rose Valenti, Ken Hooten, Jake Bulkley, Travis Romney, Ann Wixom, Darwin DeMille, Laura Justice, Kerry Gubler, and Chantelle Browning.

- A. **Called to Order** – Invocation and Pledge of Allegiance by Ken Hooten at 6:00pm.
- B. **Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
 3. August 7, 2013 regular meeting minutes
 4. Review Invoices and Checks: \$82,893.07

Councilman Justice and Councilman Hirschi declared conflict of interest. Their names are on the Canvass of 2013 Municipal General Election.

Mayor Wilson recommended that they still participate in the action.

Motion was made by Councilman Phil Jensen to approve the consent agenda as written including the August 7, 2013 meeting minutes and checks and invoices in the amount of \$82,893.07, second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Hirschi-yes, Jensen-yes, Justice-yes, Stephenson-yes. Motion carried unanimously.

C. Committee Reports:

1. Planning Commission – Richard reported that the public hearing was held for the animal ordinance. The vote for recommendation of this ordinance did pass unanimously.
2. Water Board – The Water Board has not met.
Mayor Wilson attended the CIRPAC meeting last week where Western Resources Advocates gave a presentation opposing the Lake Powell Pipe Line. That presentation is available online at both their website and WCWCD's. He also had a fact sheet from the Water Conservancy District who is in favor of the pipe line. That too can be found on WCWCD's website under information. All presentations made during CIRPAC meetings are on that website under information and then CIRPAC. This information is to help arm the councilmembers and the candidates to handle questions they may receive.
Mayor Wilson said he is in favor of the pipe line and gave some reasons why.
One of the items discussed was the fact that conservation is not free. La Verkin has been very aggressive in conservation and received recognition for that. The Water Meter Replacement Project is a good example. We are already seeing a reduction in slippage.
The Law of the River is another issue that has been in the news recently. Mayor Wilson briefly explained that one of the things it does is decide when and how much water is released from Lake Powell.

Councilman Hirschi believes that if we want this area to continue to grow we need to look at and plan for the future when it comes to water.

Mayor Wilson mentioned the same things were said when Quail Lake and Sand Hollow were coming in but now all of the surrounding communities even those who opposed them are enjoying the benefits of having them.

When planning for water, you need to look ahead 50 years and the infrastructure needs to be in 20 years before needed.

3. Sewer Board-Blair didn't have anything to report. He did state that Ash Creek is looking into being able to treat water to put it back into the irrigation system to help with water conservation.

Councilman Hirschi thanked Ash Creek for the use of the vacor truck.

Mayor Wilson mentioned that Western Advocates have proposed converting 50% of the Ag water to make their program work. He is against converting any of the agriculture water. We want to keep the rural farm and agriculture economy.

4. Fire District-Chief Kuhlmann has been excused, he is on vacation.

D. Citizen Comment & Request for Future Agenda Items:

No comments were made.

E. Business:

1. Canvass of the 2013 Municipal General Election

Kyle read the official numbers from the 2013 Primary Election. There were 402 votes recorded at the poll, 8 provisional ballots and 1 absentee ballot giving a total of 411 votes. For Mayor; Kerry Thell Gubler=160, Ann E. Wixom=144, and Richard Hirschi=102. Councilmembers; Chantelle Mertlich Browning=200, Ray Justice=189, Ken E. Hooten=174, Darwin DeMille=124, and Josh Melessa=61.

Motion was made by Councilman Phil Jensen to accept the Canvassing of the 2013 Municipal General Election, second by Councilman Brandon Stephenson. Motion carried unanimously.

2. Discussion and possible action to approve Ordinance No. 2013-10; An ordinance amending Title 10 of the La Verkin City Code, relative to animals in residential zones; and providing an effective date. Kevin explained this issue was brought up to the planning commission last summer when La Verkin took over animal control. There are some inconsistencies in the code and different interpretations of the Code within staff on how many animals are allowed on each particular lot sizes. There was also an issue with what types of animals were allowed in the different residential zones.

The Planning Commission addressed those issues along with others that surfaced during the discussion in this ordinance. They did have several meetings where citizens came to voice concern as well as having the public hearing before final recommendation. The changes made after the public hearing were; having the City Council set the effective date giving citizens enough time to either come into compliance or take pictures to verify they would be grandfathered in and two, increasing the number of allowed points from 10 to 12 in lots 10,000 or smaller. This does not pertain to the R-3-6 zone, only pets are allowed in that zone.

Councilman Reeve asked, pertaining to section A letter e, who would determine if an animal was sick.

Kevin replied it would be a city official. Allowing animals into residential areas potentially bring in other things such as vermin and wild animals that can carry diseases. This will help the City deal with the consequence of that situation if a report is ever made.

Councilman Stephenson is concerned a neighbor who doesn't like the animal would file a complaint just because they don't like the animal and wondered at that point who would be responsible for the bill to the veterinarian to determine whether or not the animal is indeed sick. He also said that animals are here already because La Verkin is a farming community. He stated he doesn't feel the government should be able to tell a property owner where they can have their animals on their own property in regard to the 15 foot setback.

Kevin explained that most of those concerns are already in the Code like the 15 foot setback. It is for structures for the animal not the actual animal itself.

Kevin stated that if the Council would like to take anything of this ordinance they can do that however he did do his homework and everything that is in the ordinance is in there for a reason. The animal owner would be the person responsible for the bill to the veterinarian.

Councilman Jensen is concerned with lot size and wondered if staff had any idea about how places would be not in compliance with this ordinance if it was passed.

Mayor Wilson pointed out that the proposed ordinance is less restrictive than the ordinance already in place.

Councilman Jensen explained that his concern is with the smaller lot sizes not having the option to have animals and feels that it is not always the animal that is the nuisance but the people who own the animal and the level of care they give to the animal and the area it lives in. He feels that a standard of cleanliness is a better standard to have than the lot size, if that is at all possible.

Councilman Justice mentioned that he personally is not an animal lover but is tolerant to people that are. His family has animals and he feels it is important for children to have the opportunity to take care of a living thing. He also feels citizens should have the opportunity to be self-sufficient if they choose to. If the City is going to start enforcing the number of animals people have they need to start enforcing the number of pets people have as well. He too doesn't think the City should be interfering too much on people's personal property rights as far as where they place the animals.

Councilman Hirschi pointed out that if everyone did as they were supposed to we wouldn't need laws but they don't so the City does need to have rules and regulations in regard to animals. If there are things in the proposed ordinance the councilmembers don't like now is the time to change it. This ordinance is less restrictive than the current ordinance. He thanked staff and the Planning Commission for all of the work they put into this.

The councilmembers decided to take a quick break to check their car windows due to rain.

Motion was made by Councilman Richard Hirschi to take a 2 minute break, second by Councilman Ray Justice. Motion carried unanimously at 7:01pm.

The meeting reconvened at 7:05pm.

Mayor Wilson summarized the Planning Commission spent a lot of time on this ordinance. They held a public hearing where a lot of the items brought up tonight was discussed. We do want to maintain the rural feel but the current ordinance is hard to understand and is more restrictive than what is being

enforced. This ordinance will help bring a lot of people into compliance, including the two councilmembers who have animals.

He recommends approving this ordinance but would like to recommend the Planning Commission look at the other issues that the councilmembers have addressed here tonight such as keeping the rural agricultural feel of our economy and also restrictions made in the old ordinance to the R-1-14 and R-1-A zones.

There are laws for a reason. He does not have a problem with Section A, number 2 letter e.

Councilman Hirschi pointed out that on the Planning Commission sets a veterinarian and several animal and large property owners. They really did spend a lot of time trying to make this ordinance a good thing.

Mayor Wilson said that staff liked this ordinance. It is much easier to interpret than the current ordinance.

Councilman Stephenson stated that he too appreciates the time spent on this ordinance, commenting it is very well written. He just does not want to tie people's hands when it comes to things they may or may not believe in.

Kevin explained that under the current ordinance there is no place for an R-1-8 to feed, water or house their animals and keep within the required setbacks. It also states that an animal owner has to have 10,000 square feet dedicated to the use of the animal. That is where the issue of interpreting it differently came in. Plus any property less than 18,000 square feet is not allowed to have animals.

The current ordinance is not good. It makes almost everyone a criminal who has animals. If councilmembers who make the laws can't live with them, they need to be changed. This ordinance was tailored to cure that problem.

If the councilmembers want this to go back to the planning commission they need to give them specifics.

Councilman Jensen stated that he doesn't have an objection to the way this ordinance was written. He realizes the Planning Commission has spent a great deal of time on it his only concern is that if a person can take care of small animals on the smallest lot size we have without causing an issue to their neighbor then they should be allowed to do so.

Motion was made by Councilman Ray Justice to approve Ordinance No. R- 2013-10; An ordinance amending Title 10 of the La Verkin City Code relative to animals in residential zones and setting the effective date for 180 days, second by Councilman Richard Hirschi. Roll Call Vote: Justice-yes, Stephenson-No, Jensen-yes, Hirschi-yes, Reeve-abstain. Motion passes with 3-yay, 1-nay and 1 abstention.

Councilman Jensen asked what steps need to be taken to make desired changes to the ordinance.

Kevin replied there is 180 days until the ordinance will be enforceable. He also requested that the City Council be very specific on the issues they would like the Planning Commission to address so they are able to quickly address them and get back to the other items on their priority list.

3. Discussion and possible action to approve the CIB contract for the proposed Silver Acres Water and Streets Project.

Kyle explained this is the contract sent to us by the Community Impact Board. It is one of the steps needed for the project.

Motion was made by Councilman Brandon Stephenson to approve the CIB contract for the Silver Acres Water and Streets Project, second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Hirschi-yes, Jensen-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

4. Consideration for and adoption of a Parameter Resolution authorizing the issuance of not to exceed \$350,000 in Parity Water Revenue Bonds of La Verkin City, Washington County, Utah and calling of a public hearing to receive input with respect to the issuance of such Bonds and any potential impact to the private sector from the construction of the Project.

Kyle reported this was prepared for us by Chamberlain and Associates. It is a step in the process. The Parameters Resolution authorizes the bonds to be issued for not more than \$350,000; this amount is more than the project will need. It also sets the public hearing for September 18th.

Motion was made by Councilman Richard Hirschi to adopt the Parameter Resolution authorizing the issuance of not to exceed \$350,000 in Parity Water Revenue Bonds and setting the public hearing for September 18, 2013, second by Councilman Brandon Stephenson. Roll Call Vote: Justice-yes, Stephenson-yes, Jensen-yes, Hirschi-yes, Reeve-yes. Motion carried unanimously.

5. Discussion and possible action on a Continuing Education re-imbursement.

Kyle explained that this is a purchase order brought to him by Chief Lloyd Watkins. He decided to bring it before the City Council for approval.

Mayor Wilson stated the amount is \$4,389.07.

Councilman Hirschi commented that he thought this had been handled in a previous meeting.

Mayor Wilson explained that this has sparked a discussion of the Continuing Education Policy currently on the books and he has received direction individually from the councilmembers but it has not had any action taken. There is not a budget line for Continuing Education therefore he would like council approval before he authorizes the P.O.

Councilman Reeve asked where the money would come from if it is not a line item.

Mayor Wilson replied he would recommend taking it out of Travel and Training. Right now there is not enough to cover the amount in that line. We could pay it then do a budget amendment to cover it. There is enough in that Department to cover it, he can authorize going over on a line item as long as it is in the same department.

If we are going to continue to move forward with the Continuing Education Policy we will create a line for it in the budget. The council has already directed staff in coming up with something rescinding that policy so he doesn't feel it necessary to create a line to only use it once.

Motion was made by Councilman Richard Hirschi to approve the re-imbursement, second by Councilman Phil Jensen. Roll Call Vote: Reeve-yes, Hirschi-yes, Jensen-yes, Stephenson-yes, Justice-yes. Motion carried unanimously.

6. Discussion and possible action to approve Resolution No. R-2013-16; A resolution repealing the City's Continuing Education Policy and providing an Effective Date.

Mayor Wilson explained this was discussed at the last meeting. The Council directed Kevin to create a resolution rescinding the current Continuing Education Policy.

Motion was made by Councilman Richard Hirschi to approve Resolution No. R-2013-16 a resolution repealing the City's Continuing Education Policy effective immediately, second by Councilman Phil Jensen. Roll Call Vote: Jensen-yes, Stephenson-yes, Justice-yes, Reeve-yes, Hirschi-yes. Motion carried unanimously.

7. Discussion and possible action to authorize the purchase of a police vehicle. Mayor Wilson explained this vehicle was budgeted for. It will be a cash purchase and a copy of the purchase agreement was included in the packet. The budget was \$25,000 and the truck came in at \$24,986.00.

Councilman Hirschi asked if all of the different options had been looked at and if this was the best way to go.

Chief Watkins answered that he tried to find a 2013 pick-up truck. Trucks have a better resale value than a car. The plan is to purchase one new vehicle a year. This will allow the vehicles to be rotated out every four years. We can get a good resale value on it and only need to come up with half the amount of money for the new vehicle.

This new vehicle is a 2014 truck. It does not include any of the equipment that will be another \$1,000-\$1,500.

Councilman Hirschi would like the police vehicles to be the same color and have the same design.

Chief replied that he is working toward that also. The new truck will be black to match the explorer and both vehicles will be getting a white wrap on the doors.

Councilman Reeve said that he supports Chief and the plan for the vehicles.

Chief will order the vehicle as soon as the council approves it and he can get the information faxed. He is not sure which vehicle will be replaced.

Motion was made by Councilman Ray Justice to approve the purchase of a police vehicle, second by Councilman Phil Jensen. Roll Call Vote: Hirschi-yes, Reeve-yes, Justice-yes, Stephenson-yes, Jensen-yes. Motion carried unanimously.

F. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle pointed out the letter sent to the Town of Springdale from the Governor's office indicating La Verkin as a business friendly city and having completed the business license survey.

Mayor Wilson thanked Kyle for his work on the business license survey. It was nice to read all of the positive feedback from the businesses.

The Crescent Park project is looking good. The Beautification Committee is planning a Ribbon Cutting Ceremony for the first part of November.

A gentleman came in to give Kyle a presentation on fuel treatment. He was under the impression that La Verkin had fuel tanks which we do not. He is willing to come to City Council and give that presentation if the Council is interested. It would require either the installation of fuel tanks or each vehicle would need to be equipped with its own injection stuff.

Legend Solar asked about giving a presentation to the council if they are interested on installing solar panels on the city office building.

Public Safety- Chief Lloyd Watkins

Chief thanked the council for the new vehicle.

There was a scare this week at an elementary school in St. George so the notice went out to all law enforcement agencies to be more aware of their local schools. Not much had to change here. Chief is at the school morning and afternoon and the officer on duty is usually not far from the school.

There were a couple of men who went into a school and started asking questions it made the office nervous and they called it in with a description of the vehicle. As of tonight that vehicle had been located in California.

The officers have been staying busy.

Director of Operations-Derek Imlay

There was a water break at 200 South and Main today. Derek passed around a picture of that break showing the condition of some of the pipe that is still in the ground. He reported the break was right before the connection to the fire hydrant and explained some of the issues they had with it.

The leak has been fixed and the road will be patched in the next couple of days.

He thanked Ash Creek for their use of the vactor truck.

The Water Meter Grant Program has gone smoother and quicker than expected. It should be complete by the end of September.

The concrete should be complete by the end of August at Crescent Park. The entire project should be completed by the middle of October.

Treasurer-Troylinn Benson

There were 189 notices sent out, 89 door hangers and 5 shut offs. Two of which are still off. Troylinn passed out the Operational Budget Report completed through July.

Mayor Wilson: Gave the water report earlier.

Jensen: There was a Solid Waste meeting. The majority of it was spent on discussing the composting odor issue. That item was continued after several good ideas were presented and discussed but they want to make sure they choose the most cost effective option. Hinton Burdock came to discuss the budget. Solid Waste has done a good job at keeping costs down. They do have a reserve that they will use when they need to close a cell. The residents of Washington County are getting their monies worth. Recycling has extended the life of the cells which cost a lot of money to close.

They were also impressed with the integrity of La Verkin City and their willingness to take care of the amount owed.

Hirschi: Nothing to report.

Reeve: Nothing to report.

Stephenson: Reported that we need to educate our citizens on the irrigation system. He went with Derek this past week on complaint calls about the irrigation system not working and most of the calls ended up not being the system but the property owner's filters that needed to be cleaned.

Justice: Most of his meetings have been cancelled for the month. He did thank the police officers for their presence at the cross walk at the school.

G. Adjourn to Executive Session:

Motion was made by Councilman Ray Justice to adjourn to an executive session after a 5 minute break to discuss a potential litigation and the character, professional competence, or physical or mental health of an individual- located at 111 S Main, second by Councilman Richard Hirschi. Motion carried unanimously at 8:02pm.


H. Reconvene from Executive Session at 9:23pm.

I. Adjourn:


Motion was made by Councilman Ray Justice to adjourn, second by Councilman Brandon Stephenson. Motion carried unanimously at 9:23pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

September 18, 2013
Date Approved



Mayor, Karl Wilson

ATTEST: 

Kyle Gubler
City Recorder